

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 23RD NOVEMBER 2006 / 2ND AGRAHAYANA 1928

Bail Appl..No. 6895 of 2006()

CC.1147/2004 of J.M.F.C.,ALATHUR
CRIME NO.241/04 OF NENMARA POLICE STATION
.....

PETITIONERS/ACCUSED

SHAJI MATHEW, S/O.MATHEW,
AGED 36 YEARS, VALLOPULLY HOUSE,
ARIMPUPATHY POKKAMADA, POTHUNDY,
CHITTOOR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
NEMMARA POLICE STATION,
NEMMARA, PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

B.A.No.6895 OF 2006

DATED THIS THE 23RD DAY OF NOVEMBER, 2006

ORDER

Petitioner, who is the sole accused in Crime No.241/04 of Nenmara Police Station for an offence punishable under section 324 IPC and whose case was pending before the J.F.C.M., Alathur as C.C.NO.1147/04, seeks anticipatory bail.

2. Admittedly, the petitioner failed to appear before the Magistrate and non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not seek regular bail after surrendering before the Magistrate concerned. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail within one week from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for his non-appearance on the previous occasion.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn